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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA**CR11 - 922TUC**

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

C/O BRY

United States of America,

Plaintiff,

v.

Ruben Arnulfo Chavarin,
 Mariano Perez-Rodriguez,
 Francisco Chavez,

Defendants.

INDICTMENT**Violations:**

18 USC §554(a)
 18 USC §922(a)(6)
 18 USC §922(d)(5)
 18 USC §922(g)(5)(A)
 18 USC §922(g)(5)(B)
 18 USC §924(a)(2)
 18 USC §924(d)
 28 USC §2461(c)

(Attempted Unlawful Export; False
 Statement in Connection with
 Purchase of Firearm; Transfer of
 Ammunition to Prohibited Person;
 Possession of Ammunition by Illegal
 Alien; Possession of Ammunition by
 Non-Immigrant Alien; Forfeiture)

THE GRAND JURY CHARGES:**COUNT 1**

On or about January 5, 2011, at or near Tucson, in the District of Arizona,
 RUBEN ARNULFO CHAVARIN, in connection with the acquisition of a firearm, that is;
 one Norinco/CSI, model NHM91, 7.62x39 mm caliber rifle, serial number 9205261; from
 Tucson Guns and Western Artifacts, a licensed dealer of firearms within the meaning of
 Chapter 44, Title 18, United States Code, did knowingly make a false and fictitious written

1 statement to Tucson Guns and Western Artifacts, which statement was intended to deceive
2 Tucson Guns and Western Artifacts, as to a fact material to the lawfulness of such sale of
3 the said firearm to RUBEN ARNULFO CHAVARIN under Chapter 44, Title 18, United
4 States Code, in that RUBEN ARNULFO CHAVARIN represented that he was the actual
5 transferee/buyer of the firearm and was not acquiring the firearm on behalf of another
6 person; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

7 **COUNT 2**

8 On or about January 12, 2011, at or near Tucson, in the District of Arizona,
9 RUBEN ARNULFO CHAVARIN, in connection with the acquisition of a firearm, that is;
10 one Beretta, model 84FS Cheetah, .380 ACP caliber pistol, serial number H49522Y; from
11 Sportsman's Warehouse #132, a licensed dealer of firearms within the meaning of Chapter
12 44, Title 18, United States Code, did knowingly make a false and fictitious written
13 statement to Sportsman's Warehouse #132, which statement was intended to deceive
14 Sportsman's Warehouse #132, as to a fact material to the lawfulness of such sale of the said
15 firearm to RUBEN ARNULFO CHAVARIN under Chapter 44, Title 18, United States
16 Code, in that RUBEN ARNULFO CHAVARIN represented that he was the actual
17 transferee/buyer of the firearm and was not acquiring the firearm on behalf of another
18 person; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

19 **COUNT 3**

20 On or about January 13, 2011, at or near Tucson, in the District of Arizona,
21 RUBEN ARNULFO CHAVARIN, in connection with the acquisition of firearms, that is;
22 two Beretta, model 92FS, 9 mm pistols, serial numbers J69620Z and J69367Z; from
23 Sportsman's Warehouse #132, a licensed dealer of firearms within the meaning of Chapter
24 44, Title 18, United States Code, did knowingly make a false and fictitious written
25

1 statement to Sportsman's Warehouse #132, which statement was intended to deceive
2 Sportsman's Warehouse #132, as to a fact material to the lawfulness of such sale of the said
3 firearm to RUBEN ARNULFO CHAVARIN under Chapter 44, Title 18, United States
4 Code, in that RUBEN ARNULFO CHAVARIN represented that he was the actual
5 transferee/buyer of the firearm and was not acquiring the firearm on behalf of another
6 person; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

7 **COUNT 4**

8 On or about January 13, 2011, at or near Tucson, in the District of Arizona,
9 RUBEN ARNULFO CHAVARIN, in connection with the acquisition of a firearm, that is;
10 one Beretta, model 90-TWO, .40 caliber S&W pistol, serial number TYO8778; from The
11 Armory on Pima, a licensed dealer of firearms within the meaning of Chapter 44, Title 18,
12 United States Code, did knowingly make a false and fictitious written statement to The
13 Armory on Pima, which statement was intended to deceive The Armory on Pima, as to a
14 fact material to the lawfulness of such sale of the said firearm to RUBEN ARNULFO
15 CHAVARIN under Chapter 44, Title 18, United States Code, in that RUBEN ARNULFO
16 CHAVARIN represented that he was the actual transferee/buyer of the firearm and was not
17 acquiring the firearm on behalf of another person; in violation of Title 18, United States
18 Code, Sections 922(a)(6) and 924(a)(2).

19 **COUNT 5**

20 On or about January 16, 2011, at or near Tucson, in the District of Arizona,
21 RUBEN ARNULFO CHAVARIN, in connection with the acquisition of firearms, that is;
22 three Beretta, model 92FS, 9 mm pistols, serial numbers BER 066609, BER 085398, and
23 BER 360489Z; from AAAA Sports, a licensed dealer of firearms within the meaning of
24 Chapter 44, Title 18, United States Code, did knowingly make a false and fictitious written
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1 statement to AAAA Sports, which statement was intended to deceive AAAA Sports, as to
2 a fact material to the lawfulness of such sale of the said firearm to RUBEN ARNULFO
3 CHAVARIN under Chapter 44, Title 18, United States Code, in that RUBEN ARNULFO
4 CHAVARIN represented that he was the actual transferee/buyer of the firearm and was not
5 acquiring the firearm on behalf of another person; in violation of Title 18, United States
6 Code, Sections 922(a)(6) and 924(a)(2).

7 **COUNT 6**

8 On or about February 11, 2011, at or near Tucson, in the District of Arizona,
9 RUBEN ARNULFO CHAVARIN knowingly transferred ammunition, that is, 12,525
10 rounds of Igman 7.62x39mm ammunition, to Mariano Perez-Rodriguez, knowing and
11 having reasonable cause to believe that Mariano Perez-Rodriguez was an alien who was
12 illegally and unlawfully present in the United States; in violation of Title 18, United States
13 Code, Sections 922(d)(5) and 924(a)(2).

14 **COUNT 7**

15 On or about February 11, 2011, at or near Tucson, in the District of Arizona,
16 MARIANO PEREZ-RODRIGUEZ, an alien who was illegally and unlawfully present in
17 the United States, did knowingly possess ammunition, that is; 12,525 rounds of Igman
18 7.62x39mm ammunition; said ammunition being in and affecting commerce in that it was
19 previously transported into the state of Arizona from another state or foreign country; in
20 violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2).

21 **COUNT 8**

22 On or about February 11, 2011, at or near Tucson, in the District of Arizona,
23 FRANCISCO CHAVEZ, an alien who was admitted to the United States under a non-
24 immigrant visa, did knowingly possess ammunition, that is; 12,525 rounds of Igman
25

1 7.62x39mm ammunition; said ammunition being in and affecting commerce in that it was
2 previously transported into the state of Arizona from another state or foreign country; in
3 violation of Title 18, United States Code, Sections 922(g)(5)(B) and 924(a)(2).

4 **COUNT 9**

5 On or about February 11, 2011, at or near Tucson, in the District of Arizona,
6 RUBEN ARNULFO CHAVARIN, MARIANO PEREZ-RODRIGUEZ, and FRANCISCO
7 CHAVEZ, knowingly attempted to export and send from the United States any
8 merchandise, article, or object contrary to any law or regulation of the United States, and
9 received, concealed, bought, sold, and in any manner facilitated the transportation,
10 concealment, and sale of such merchandise, article or object, prior to exportation, knowing
11 the same to be intended for exportation contrary to any law or regulation of the United
12 States: to wit, RUBEN ARNULFO CHAVARIN bought, received, concealed, and
13 transported ammunition; MARIANO PEREZ-RODRIGUEZ and FRANCISCO CHAVEZ
14 received, concealed, and facilitated the transportation of ammunition; knowing the
15 ammunition: to wit, 8,700 rounds of Igman 7.62x39mm ammunition; to be intended for
16 unlawful exportation from the United States into the Republic of Mexico, and intending to
17 facilitate such unlawful exportation; in violation of Title 18, United States Code, Section
18 554(a).

19 **FORFEITURE ALLEGATION**

20 Upon conviction of one or more of the offenses alleged in Counts 1 through 11
21 of this Indictment, RUBEN ARNULFO CHAVARIN, MARIANO PEREZ-RODRIGUEZ,
22 and FRANCISCO CHAVEZ, shall forfeit to the United States, pursuant to Title 18, United
23 States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms
24 and ammunition involved in or used in violation of Title 18, United States Code, Section
25

1 922, and Title 18, United States Code, Section 924(a)(2) including, but not limited to:

- 2
- 3 1. One Norinco/CSI, model NHM91, 7.62x39 mm caliber rifle, serial
- 4 number 9205261;
- 5 2. One Beretta, model 84FS Cheetah, .380 ACP caliber pistol, serial number
- 6 H49522Y;
- 7 3. Two Beretta, model 92FS, 9 mm pistols, serial numbers J69620Z and
- 8 J69367Z;
- 9 4. One Beretta, model 90-TWO, .40 caliber S&W pistol, serial number
- 10 TYO8778;
- 11 5. Three Beretta, model 92FS, 9 mm pistols, serial numbers BER 066609,
- 12 BER 085398, and BER 360489Z; and
- 13 6. 12,525 rounds of Igman 7.62x39mm ammunition.

14 If any of the property described above, as a result of any act or omission of the
15 defendants:

- 16 a. cannot be located upon the exercise of due diligence;
- 17 b. has been transferred or sold to, or deposited with, a third party;
- 18 c. has been placed beyond the jurisdiction of the court;
- 19 d. has been substantially diminished in value; or
- 20 e. has been commingled with other property which cannot be divided
- 21 without difficulty,

22 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p),
23 as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any
24 other property of said defendants up to the value of the above-described forfeitable

1 property, including, but not limited to, all property, both real and personal, owned by the
2 defendants.

3
4 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States
5 Code, Section 2461(c) and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

6 A TRUE BILL

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9 DENNIS K. BURKE
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11 
12 Assistant U.S. Attorney

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14 PUBLIC DISCLOSURE
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